

Message Text

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PAGE 01 SANTIA 01528 071503Z
ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 /026 W
-----005234 071506Z /42
O 071209Z MAR 78
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 8361

S E C R E T SANTIAGO 1528

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FOR ARA, D AND L ONLY

E. O. 11652: GDS
TAGS: OGEN, CI
SUBJECT: LETELIER/MOFFITT ASSASSINATION INVESTIGATION: NEED FOR
LAWYER HERE

REF: SANTIAGO 1523

1. AS REPORTED IN REFTEL THE GOC YESTERDAY PUBLICLY CALLED
FOR THE APPOINTMENT OF A SPECIAL INVESTIGATING MAGISTRATE ("MINISTRO
EN VISITA") IN CONNECTION WITH THE LETELIER CASE. IT WAS NOT CLEAR
WHETHER THIS REQUEST WAS FOR THE ENTIRE CASE OR FOR SIMPLY THAT
ASPECT INVOLVING THE FOREIGN MINISTRY'S OFFICIAL REQUEST FOR
OFFICIAL VISAS FOR TWO PERSONS NOW CLAIMED TO BE NONEXISTENT.

2. THIS MORNING I LEARNED THAT THE REQUEST FOR A SPECIAL
INVESTIGATING JUDGE WAS MADE WHEN TWO LAWYERS FROM THE FOREIGN
MINISTRY CALLED ON SUPREME COURT PRESIDENT EYZAGUIRRE TO TABLE
SUCH REQUEST. THIS APPEARS TO ME TO BE VERY CLOSE TO AN "EX PARTE"
REPRESENTATION BY THE GOC. IN ALL FAIRNESS, I BELIEVE THAT A
CHILEAN LAWYER (OR SOMEONE) REPRESENTING THE USG SHOULD HAVE
BEEN PRESENT AT THE MEETING WITH EYZAGUIRRE. THEN, AT LEAST,

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WE WOULD KNOW WHETHER THE REQUEST FOR A SPECIAL INVESTIGATING
JUDGE WAS FOR THE ENTIRE CASE OR SIMPLY THE FOREIGN MINISTRY
DIMENSION THEREOF.

3. I DO NOT KNOW WHETHER THE APPOINTMENT OF A SPECIAL INVESTIGATING
JUDGE IN THE LETELIER CASE WOULD BE IN THE INTERESTS OF THE U.S.
ATTORNEY'S PROSECUTION OF THIS CASE OR NOT. SUCH AN ACTION WOULD

CERTAINLY FOCUS PUBLIC ATTENTION ON THE SITUATION, BUT ON THE OTHER HAND IT MIGHT DELAY MATTERS. IT WOULD BE USEFUL TO HAVE THE VIEWS OF A CHILEAN LAWYER IN THIS REGARD. FROM THIS POINT ON I THINK IT IS VERY LIKELY WE ARE GOING TO BE FACED WITH SITUATIONS REQUIRING THE ADVICE OF A CHILEAN LAWYER TO CLARIFY WHERE OUR BEST INTERESTS LIE.

4. ACTION RECOMMENDED. I RECOMMEND THAT THE DEPARTMENT GET IN TOUCH WITH GENE PROPPER IMMEDIATELY BY PHONE, EXPLAIN TO HIM WHAT IS GOING ON AND URGE HIS SELECTION OF A CHILEAN LAWYER TO ADVISE HIM ON REPRESENTING U.S. INTERESTS IN THIS MATTER. IT WOULD BE UNFORTUNATE TO DROP BEHIND A POWER CURVE IN SANTIAGO BECAUSE OF THE LACK OF LEGAL REPRESENTATION TO DEAL WITH THE LETELIER CASE ON THIS END.
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Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 07 mar 1978
Decaption Date: 20 Mar 2014
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978SANTIA01528
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780102-0946
Format: TEL
From: SANTIAGO
Handling Restrictions:
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780397/aaaadekw.tel
Line Count: 77
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: b6c232cc-c288-dd11-92da-001cc4696bcc
Office: ACTION SS
Original Classification: SECRET
Original Handling Restrictions: ONLY, STADIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: SECRET
Previous Handling Restrictions: ONLY, STADIS
Reference: 78 SANTIAGO 1523
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 07 jul 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3416333
Secure: OPEN
Status: NATIVE
Subject: LETELIER/MOFFITT ASSASSINATION INVESTIGATION: NEED FOR LAWYER HERE
TAGS: OGEN, CI
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/b6c232cc-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014